

104TH CONGRESS  
2D SESSION

# H. R. 4137

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 1996

Received

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## AN ACT

To combat drug-facilitated crimes of violence, including  
sexual assaults.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Drug-Induced Rape  
5       Prevention and Punishment Act of 1996”.

1 **SEC. 2. USE OF CONTROLLED SUBSTANCES TO COMMIT**  
2 **SEXUAL ASSAULT CRIMES OF VIOLENCE**

3 Section 404 of the Controlled Substances Act (21  
4 U.S.C. 844) is amended by inserting “a person convicted  
5 under this subsection for the possession of a mixture or  
6 substance containing a detectable amount of a controlled  
7 substance, with the intent to administer such mixture or  
8 substance to another person to facilitate a crime of vio-  
9 lence, as defined in section 16 of title 18, United States  
10 Code, (including a sexual assault) against that person,  
11 shall be fined under title 18, United States Code, or im-  
12 prisoned not more than 15 years, or both, and if the victim  
13 or intended victim of the crime of violence is age 14 or  
14 under, shall be imprisoned not more than 20 years, and”  
15 after “Notwithstanding the preceding sentence,”.

16 **SEC. 3. ADDITIONAL PENALTIES RELATING TO**  
17 **FLUNITRAZEPAM.**

18 (a) GENERAL PENALTIES.—Section 401 of the Con-  
19 trolled Substances Act (21 U.S.C. 841) is amended—

20 (1) in subsection (b)(1)(A)—

21 (A) by striking “or” at the end of clause  
22 (vii);

23 (B) by inserting “or” at the end of clause  
24 (viii);

25 (C) by inserting after clause (viii) the fol-  
26 lowing:

1 “(ix) 1 gram or more of flunitrazepam;”;

2 (2) in subsection (b)(1)(B)—

3 (A) by striking “or” at the end of clause

4 (vii);

5 (B) by inserting “or” at the end of clause

6 (viii);

7 (C) by inserting after clause (viii) the fol-

8 lowing:

9 “(ix) 100 mg or more of flunitrazepam;” and

10 (3) in subsection (b)(1)(C), by inserting “or

11 flunitrazepam” after “I or II”.

12 (b) IMPORT AND EXPORT PENALTIES.—

13 (1) Section 1009(a) of the Controlled Sub-

14 stances Import and Export Act (21 U.S.C. 959(a))

15 is amended by inserting “or flunitrazepam” after “I

16 or II”.

17 (2) Section 1010(b) of the Controlled Sub-

18 stances Import and Export Act (21 U.S.C. 960(b))

19 is amended—

20 (A) in paragraph (1)—

21 (i) by striking “or” at the end of sub-

22 paragraph (G);

23 (ii) by inserting “or” at the end of

24 subparagraph (H);

1 (iii) by inserting after subparagraph

2 (H) the following:

3 “(I) 1 gram or more of flunitrazepam;”; and

4 (B) in paragraph (2)—

5 (i) by striking “or” at the end of sub-  
6 paragraph (G);

7 (ii) by inserting “or” at the end of  
8 subparagraph (H);

9 (iii) by inserting after subparagraph  
10 (H) the following:

11 “(I) 100 mg or more of flunitrazepam;”

12 and

13 (C) in paragraph (3), by inserting “or  
14 flunitrazepam” after “I or II,”.

15 (3) Section 1010(b)(4) of the Controlled Sub-  
16 stances Import and Export Act is amended by in-  
17 serting “(except a violation involving  
18 flunitrazepam)” after “III, IV, or V,”.

19 **SEC. 4. SENTENCING GUIDELINES.**

20 Pursuant to its authority under section 994 of title  
21 28, United States Code, the United States Sentencing  
22 Commission shall review and amend the sentencing guide-  
23 lines for offenses involving flunitrazepam. The Commis-  
24 sion shall submit to Congress a summary of its review,  
25 and an explanation for any amendment to the sentencing

1 guidelines made pursuant to this section. In carrying out  
2 this section, the Commission shall ensure that the sentenc-  
3 ing guidelines for such offenses reflect the serious nature  
4 of such offenses.

5 **SEC. 5. STUDY ON RESCHEDULING FLUNITRAZAPAM.**

6       The Administrator of the Drug Enforcement Admin-  
7 istration shall conduct a study on the appropriateness and  
8 desirability of rescheduling flunitrazapam as a Schedule  
9 I controlled substance under the Controlled Substances  
10 Act (21 U.S.C. 801 et seq.), and shall consult with other  
11 Federal and State agencies as appropriate. Not later than  
12 180 days after the date of the enactment of this Act, the  
13 Administrator shall submit the results of such study, to-  
14 gether with any recommendations as to such rescheduling,  
15 to the Committees on the Judiciary of the House of Rep-  
16 resentatives and the Senate.

17 **SEC. 6. EDUCATIONAL PROGRAM FOR POLICE DEPART-**  
18 **MENTS.**

19       The Attorney General is authorized to create edu-  
20 cational materials regarding the use of controlled sub-  
21 stances in the furtherance of rapes and sexual assaults

1 and disseminate those materials to police departments  
2 throughout the United States.

Passed the House of Representatives September 26,  
1996.

Attest:

ROBIN H. CARLE,  
*Clerk.*